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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,564	11/03/2000	Rodric C. Fan	M-8813 US	6675

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MACPHERSON, KWOK, CHEN & HEID, LP
1762 TECHNOLOGY DRIVE
SUITE 226
SAN JOSE, CA 95110

EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,564

Applicant(s)

FAN, RODRIC C. 

Examiner

Charles Appiah

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 17-28, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 17-28, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 August 2004 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-8, 17, 20-22, 25-28, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Morita et al. (5,864,753).

Regarding claims 1 and 17, Morita discloses a radio receiving system and a method of tuning a mobile radio system comprising: (see Fig. 1), a location unit (navigation unit 26), a wireless interface to a wide area network (communication unit 18), a frequency selection unit coupled to receive a current location from the location unit (see col. 2, lines 32-37), in response to a change in signal reception condition corresponding to a change in the strength of the radio signal then being received falling below a predetermined value (user obtaining data concerning a new radio station by

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sending his current position to the base station when the base station travels to a new area where the previously identified radio station is not accessible, col. 2, lines 38-43), wherein the frequency selection unit retrieves over the wireless interface, tuning data representing a set of frequencies of broadcast signals that can be received at the current location from a data storage system associated with a server on the wide area network and further selects a frequency from the set of frequencies of broadcast signals in the tuning data retrieved (see col. 4, lines 24-30), the tuning data retrieved having been filtered according to a previously determined set of selection criteria based on user content preferences (controller providing base station with request messages as sequential data reflecting the plurality of programs the driver wants to listen to, see col. 4, lines 9-24), and a radio receiver coupled to receive the selected frequency from the frequency selection unit and tunes to receive the broadcast signal at the selected frequency (see col. 4, lines 30-39).

Regarding claims 4, 5, 20 and 21, Morita further discloses a user interface electrically coupled to receive from the frequency selection unit data arranged as radio signal content categories and to output a menu of categories to a listener (see col. 4, lines 29-37) wherein at least a portion of the menu is output on a visual display (see col. 4, lines 39-43, col. 5, lines 23-26).

Regarding claim 6, Morita further discloses wherein at least a portion of the menu is audibly output by the interface (see col. 21-23).

Regarding claims 7 and 8, Morita further discloses a user interface electrically coupled to receive and relay to the frequency selection unit a user command to select a

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particular content category in an arrangement of radio signal content categories stored in the frequency selection unit wherein the command is a verbal command (see col. 3, lines 15-55).

Regarding claim 22, Morita further discloses the act of receiving a command from a listener to select a particular content category (see col. 44-55, col. 4, lines 5-24).

Regarding claims 25 and 31, Morita further discloses wherein the location information is provided using global positioning system information (see col. 3, lines 37-43).

Regarding claims 26 and 32, Morita's teaching of the communication unit transmitting the data to the base station via a vehicle telephone line, see col. 3, lines 15-23) meets providing location information using cellular wireless communications system information.

Regarding claim 27, Morita inherently teaches wherein the change in signal reception condition corresponds to a change in the strength of the radio signal then being received falling below a predetermined value (inherent feature of user obtaining data concerning a new radio station by sending his current position to the base station when the base station travels to a new area where the previously identified radio station is not accessible, col. 2, lines 38-43),

Regarding claim 28, Morita's teaching of the radio station tuning system being configured to automatically has access to a base station when the vehicle is not running in an area where the desired program is receivable (see col. 4, lines 9-15),

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reads on the particular frequency is selected based on content category of the broadcast signal being received prior to the change in signal reception condition.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 18, 19, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita et al as applied to claim 1 and 17 above, and further in view of Lee et al. (6,374,177).

Regarding claims 2, 3, 18 and 19, Morita fails to explicitly teach wherein the tuning data comprises FM radio station frequencies and satellite transmission frequencies.

Lee teaches a radio receiving system having the capability of frequency modulation transmission frequencies (see col. 10, lines 52-63, col. 11, lines 5-19, col. 12, lines 13-22), and satellite transmissions using satellite transmission frequencies (see col. 10, 49-59).

It would therefore have been obvious to one of ordinary skill in the art to provide for the use of satellite and cellular wireless communication information in the system of Morita in order to provide personalized information services through

available communication networks that cover a wide area such as frequency modulation, satellite and cellular communications as taught by Lee.

Regarding claims 23 and 24 Morita fails to teach wherein the set of selection criteria is provided by a system user selecting one or more content categories via the Internet and wherein the tuning data is provided by downloading via the Internet wherein the user selects the one or more content categories via the World-wide Web.

Lee discloses a method for providing navigational services that include the use of verbal (audio) command through audio feedback through speech synthesis to make selections from the available categories as well the provision wireless Internet access to the multimedia device such as selection of content categories via the World-Wide Web (see col. 6, lines 58-65, col. 10, lines 8-39).

It would therefore have been obvious to one of ordinary skill in the art to provide the multimedia capability of Lee to the system of Morita in order to ensure the availability of the advantages of using the Internet to users such as direct streaming audio broadcasts and other Internet content as taught by Lee.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Olaniyan (5,852,6100 disclose a method for obtaining broadcast information and entertainment using telephone links.

Lyons (6,282,412) discloses a geographically adaptive portable broadcast receiver.

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Simon (6,795,741) discloses a radio broadcast system for providing content over a vehicle audio system.

Response to Arguments


7. Applicant's arguments with respect to claims 1-8, 17-28, 31 and 32 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA


CHARLES APPIAH
PRIMARY EXAMINER